## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

KEVIN B. HARRIS,	)
	8:04cv192
Plaintiff,	)
	) AMENDMENT TO
vs.	) PROGRESSION ORDER
	) and
ALBERTSONS,	) ORDER TO SHOW CAUS
	)
Defendant.	)

This matter is before the court on filing no. 31, the defendant's Motion to Extend Progression Order Deadlines. The defendant requests an extension of 90 days for filing dispositive motions and for taking depositions. Filing no. 31 is granted, and the deadlines established in filing no. 29 are extended as set forth below.

**Deposition Deadline**: August 30, 2005.

**Deadline for Motions for Summary Judgment**: September 30, 2005.

**Pretrial Conference**: Because the plaintiff is presently incarcerated, it is appropriate that the issues concerning the pretrial conference be handled in writing rather than by an in-person conference. Michelle M. Douglas will have the primary responsibility for drafting the order on final pretrial conference. The order should be drafted and submitted to the plaintiff and to any other defendants by no later than **January 3, 2006**. The plaintiff shall provide any additions and/or proposed deletions to Michelle M. Douglas by **January 17, 2006**. Michelle M. Douglas shall submit a proposed order on final pretrial conference to the court by **January 31, 2006**. If a party proposes an addition or deletion which is not agreed to by the other party, that fact should be noted in the text of the document.

## **Order to Show Cause**

In December of 2004 (filing no. 28), the court learned from the Douglas County Correctional Center ("DCCC") that the plaintiff had been released from DCCC. The plaintiff did not inform the court, notwithstanding the court's repeated warnings that the plaintiff must keep the court informed of his current address at all times while this case is pending. In

filing no. 31, the defendant represents that the plaintiff has returned to DCCC custody. Again, the plaintiff did not inform the court of that development.

Thus, it is possible that the plaintiff has abandoned this litigation. Accordingly, by no later than **June 10, 2005**, the plaintiff shall file a written pleading entitled "Response to Order to Show Cause" stating whether he intends to proceed with this litigation and providing his correct address, including current inmate number, and his projected release date. In the absence of a timely and sufficient Response to Order to Show Cause, this case may be subject, without further notice, to dismissal without prejudice by District Judge Richard G. Kopf.

## THEREFORE IT IS ORDERED:

- 1. That by **June 10, 2005**, the plaintiff shall file a Response to Order to Show Cause, in the absence of which this case may be subject, without further notice, to dismissal without prejudice by District Judge Richard G. Kopf; and
- 2. That filing no. 31, the defendant's Motion to Extend Progression Order Deadlines, is granted as set forth above.

**DATED May 20, 2005.** 

BY THE COURT:

s/ F.A. Gossett United States Magistrate Judge